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10 Attorneys for Plaintiff
Twitch Interactive, Inc.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 TWITCH INTERACTIVE, INC., a
Delaware corporation,

17 Plaintiff,

18 v.

19 JOHN AND JANE DOES 1-100,
20 individuals,

21 Defendants.

Case No. 19-cv-03418-WHO

**DECLARATION OF HOLLY M.
SIMPKINS IN SUPPORT OF PLAINTIFF
TWITCH INTERACTIVE, INC.'S *EX*
PARTE MOTION TO EXTEND
DEADLINES**

1 I, Holly M. Simpkins, declare as follows:

2 1. I am an attorney licensed to practice law before the courts of the State of
3 Washington and admitted *pro hac vice* in this matter. I am a Partner at Perkins Coie LLP, and
4 counsel in this action for Plaintiff Twitch Interactive, Inc. (“Twitch”). I submit this declaration in
5 support of Twitch’s *Ex Parte* Motion to Extend Deadlines. I have personal knowledge of the
6 facts stated herein and, if called upon, could and would testify competently thereto.

7 2. Twitch has been working diligently to identify Defendants.

8 3. At my direction, the Twitch accounts, websites, chat servers, social media
9 platforms, and IP addresses Defendants used to coordinate their attack on Twitch were
10 investigated.

11 4. On June 17, 2019, a cease and desist letter, copy of the Complaint, and a waiver of
12 service form, among other documents, were sent to the following email addresses:
13 ganggangchef@gmail.com, skelthade@gmail.com and jfernandes423@hotmail.com. None of the
14 emails were returned as undeliverable. The letter asked the individuals to identify themselves and
15 waive service. We did not receive a response.

16 5. In mid-August, shortly after the Court granted Twitch’s Motion for Expedited
17 Third Party Discovery, Twitch served subpoenas on eleven internet service providers, email
18 providers, and social media companies to identify and serve the Doe defendants.

19 6. Twitch received responses from ten of the subpoena recipients in September and
20 October 2019. Twitch contacted certain defendants with information gathered through these
21 subpoena responses and is in settlement discussions with several individuals. Twitch does not
22 believe that any of these individuals were the ringleaders who organized or coordinated the
23 Memorial Day Attack.

24 7. Twitch did not receive a response to its subpoena from Discord until November
25 26, 2019. When transferred into an Excel spreadsheet, that response includes more than 13,000
26 rows of data. This data, which Twitch is in the process of analyzing, provides valuable
27

1 information on Defendants though it does not contain the names or physical addresses of the
2 Defendants.

3 8. When Twitch sent the Court's August 7, 2019 Order to skelthade@gmail.com,
4 jfernandes423@hotmail.com, and ganggangchef@gmail.com, the message to
5 jfernandes423@hotmail.com was returned as undeliverable. When Twitch sent its September 3,
6 2019 administrative motion to skelthade@gmail.com, jfernandes423@hotmail.com, and
7 ganggangchef@gmail.com, the messages to jfernandes423@hotmail.com and
8 skelthade@gmail.com were returned as undeliverable.

9 9. Twitch has not served any of the Doe defendants. Because of this, I was not able
10 to meet and confer with counsel for the opposing parties regarding this administrative motion or
11 propose that the parties stipulate to a 90-day extension of the Case Management Conference and
12 related deadlines. Notice of this motion was provided to the individuals with whom Twitch is in
13 settlement negotiations along with an opportunity to object. None of those parties objected to the
14 motion.

15 10. There have been two previous time modifications in this case: This Court
16 previously granted Twitch's motion for an extension of the service deadline, Dkt. No. 18, and this
17 Court previously granted Twitch's motion for an extension of the Case Management Conference
18 and related deadlines, Dkt. No 16. The requested continuance will not impact the schedule of this
19 case, as no trial date or other deadlines have been set.

20
21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct.

23 Executed at Seattle, Washington this 9th day of
24 December, 2019.

25 /s/ Holly M. Simpkins

26 Holly M. Simpkins
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